

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1888

IN THE MATTER OF:

Served September 28, 1978

Application of SILVER SPRING TAXI,)
INC., for a Certificate of Public)
Convenience and Necessity to Perform)
Charter Operations Pursuant to)
Contract - NIH)

Case No. AP-78-33

By application filed September 11, 1978, Silver Spring Taxi, Inc., seeks a certificate of public convenience and necessity to transport hospital patients, out patients, and parents and guardians of patients between the National Institutes of Health, Bethesda, Md., and the National Cancer Institute's Veterans Administration Hospital, Irving Street, N. W., Washington, D. C., on the one hand, and, on the other, points in the Metropolitan District. A bilateral contract to provide such service has been entered into by applicant and the National Institutes of Health (NIH) for the period October 1, 1978, through December 31, 1979.

On September 18, 1978, our staff contacted the contract administrator for NIH who confirmed that the contemplated service is to be performed in taxicabs. Service would be on a "call as needed" basis to and from various points. There would be no regular schedule of service between fixed termini. The contract provides generally for rates based on mileage and number of passengers. The fare for one or two passengers (with luggage) would be \$1.25 for the first mile or portion thereof plus \$.70 for each additional mile. There would be a per capita charge of \$1 for each additional passenger. Flat rate charges are listed between specified points, but the contract administrator has confirmed that these charges are designed to reflect the fare that would be produced by charging the appropriate taxicab mileage rate.

The Compact, Title II, Article XII, Section 2(d), defines the term taxicab as

. . . any motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry eight persons or less, not including the driver, used for the purpose of accepting or soliciting passengers for hire in transportation subject to this Act, along the public streets and highways, as the passengers may direct.

The vehicles to be used in performing the subject contract are taxicabs and, although service between certain points may be repetitive, no service of fixed termini on regular schedules is contemplated. To the contrary, the contract specifies that "the exact facilities to be serviced by the contractor shall vary as they depend upon the schedule of the patients." The only difference between the proposed operations and the standard practice of an individual telephoning for a taxicab is that here a third party would make the call and pay for the service. In our view, this distinction is insufficient to change the character of the operation from taxicab service to charter operations pursuant to contract.

Title II, Article XII, Section 1(c) of the Compact provides that,

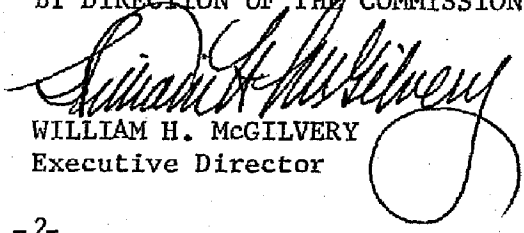
Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles used in performing bona fide taxicab service having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage.
/Emphasis added.⁷

Accordingly, it is our view that the Commission's jurisdiction over the proposed service extends only to interstate rates and minimum insurance requirements. We have already adopted as our own the rates and insurance requirements for Montgomery County, Md., taxicabs established for intrastate transportation by the Montgomery County Code. See Montgomery County Bill No. 50-76, effective January 4, 1977. Applicant is bound by these requirements. Based on our conclusion that the proposed operation is a taxicab service, we shall dismiss this application and direct that appropriate rates be charged on interstate trips.

THEREFORE, IT IS ORDERED:

1. That the above-referenced application of Silver Spring Taxi, Inc., is hereby dismissed.
2. That Silver Spring Taxi, Inc., is hereby directed to charge and collect only those fares established by the Montgomery County Code and appropriate orders of the Commission governing interstate rates for operators of taxicabs licensed in Montgomery County, Md.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

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